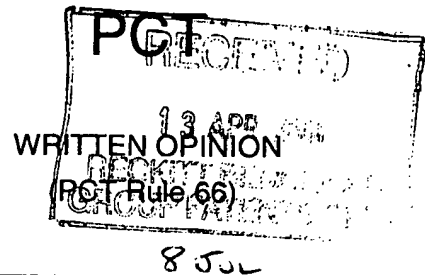


PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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Date of mailing
(day/month/year)

08.04.2004

Applicant's or agent's file reference

REPLY DUE

within 3 month(s)
from the above date of mailing

International application No.
PCT/GB 03/02752

International filing date (day/month/year)
27.06.2003

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International Patent Classification (IPC) or both national classification and IPC
C11D3/40, C11D3/40

TO: CMB (A)/4

Applicant
RECKITT BENCKISER N.V. et al.

TO: KH 13/4
CASE NUMBER

- This written opinion is the **first** drawn up by this International Preliminary Examining Authority. 11051P4 WO
- This opinion contains indications relating to the following items:

I	<input checked="" type="checkbox"/>	Basis of the opinion
II	<input type="checkbox"/>	Priority
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/>	Lack of unity of invention
V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
VI	<input type="checkbox"/>	Certain documents cited
VII	<input type="checkbox"/>	Certain defects in the international application
VIII	<input type="checkbox"/>	Certain observations on the international application
- The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
- The final date by which the international preliminary examination report must be established according to Rule 69.2 is:

DIARY	KH
RECORDS	KH
INVOICE	
ACKNOWLEDGE	
RENEWALS	

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Authorized Officer

Formalities officer (incl. extension of time limits)
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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-15 as originally filed

Claims, Numbers

1-34 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

WRITTEN OPINION

International application No. PCT/GB 03/02752

Novelty (N)	Claims	1-3,5-34
Inventive step (IS)	Claims	4
Industrial applicability (IA)	Claims	

2. Citations and explanations

see separate sheet

Section V

- 1 The following documents (D) from the international search report will be referred to:

D1 WO 02/38720 A (UNILEVER PLC ;LEVER HINDUSTAN LTD (IN);
UNILEVER NV (NL)) 16 May 2002 (2002-05-16)

D2 GB-A-2 194 793 (UNILEVER PLC) 16 March 1988 (1988-03-16)

2 *Novelty (Article 33(2) PCT)*

- 2.1 D1 relates to abrasive hard surface cleaning compositions including a clear aqueous gel and macroscopic abrasive particles dispersed therein. According to page 7, lines 23 to 25 the particles and gel may have different shades of the same colour, e.g. dark blue particles in a light blue gel. In this case the particles would intensify the colour of the gel. Alternatively, from page 7, lines 27 and 28, particles and gel may have different colours. Here, light from the particles would react with light from the gel to yield a third colour. D1 therefore detracts from the novelty of claims 1, 2 and 8 to 34.
- 2.2 D2 is concerned with liquid detergent compositions including a suspending base (gel) and pigment particles. According to page 1, lines 91 and 92 different coloured particles may be present. Light from the differently coloured particles would therefore yield a third colour. D2 therefore detracts from the novelty of claims 3 and 5 to 34.
- 2.3 Claim 4 would seem to be novel.

3 *Inventive Step (Article 33(3) PCT)*

- 3.1 D1 already suggests that light from gel and particles can interact to produce a third colour and D2 that light from differently coloured particles can also interact to form a third colour. The subject matter of claim 4, in which light from gel, first and second particles interacts to form a fourth colour, would therefore appear to be obvious.

3.2 In their reply the applicants should therefore present arguments in favour of inventive step. They should also ensure that the independent claim(s) contain(s) all the essential features responsible for the desired colouring effect.

4 Other Matters (including Article 6 PCT, clarity and conciseness)

4.1 It is not correct to refer, both in the claims and description, to the radiation "emitted" by the gel and particles given that they appear coloured by only virtue of the radiation they "reflect".

4.2 The number of claims is out of all proportion to the complexity of the subject matter of the application.

4.3 Example 2 extends beyond the claims to the situation in which gel and particles are of the same colour.

4.4 From example 3 the impression is gained that the light transmittance of the gel is an essential technical feature.

4.5 Since independent claim 2 contains all the features of claim 1 it would appear to be appropriate for it to be rewritten in dependent form.

4.6 The wording "radiation emitted by the" appears to be missing between "with" and "the" from line 3 of claim 4 and the corresponding passage in the paragraph bridging pages 4 and 5.

4.7 Claim 8 and the first sentence of the third paragraph on page 4 are not in agreement concerning whether the light transmittance values quoted are of the gel or of the final composition.

4.8 Contrary to the statement in the centre of page 12 the table on this page shows the full detergent composition.